

E-Government Act of 2001

SECTION BY SECTION DESCRIPTION

TITLE I: OFFICE OF MANAGEMENT AND BUDGET E-GOVERNMENT SERVICES

Sec. 101: Federal Chief Information Officer (CIO)

Establishes a Federal CIO, reporting directly to the Director of OMB, with responsibility for the development, application, and management of information resources for the federal government. The Federal CIO is appointed by the President and confirmed by the Senate. Delegates to the Federal CIO responsibility for implementation of the Privacy Act, oversight of information technology (IT) capital planning and performance pursuant to the Clinger Cohen Act, oversight of implementation of the Government Paperwork Elimination Act, promulgation of federal computer systems standards and guidelines, consultation on expenditures from GSA's IT fund, and government-wide statistical policy.

Sec. 102: Office of Information Policy and Office of Information and Regulatory Affairs

Establishes the new Office of Information Policy, headed by the Federal CIO. The existing Office of Information and Regulatory Affairs retains responsibility for information collection review functions. Other functions prescribed by the Paperwork Reduction Act, such as information dissemination functions, are the responsibility of the Federal CIO and the Office of Information Policy. Specifies that the offices will coordinate their efforts.

Sec. 103: Management and Promotion of Electronic Government Services

Creates a new Chapter 36 in Title 44 of the United States Code.

Section 3602 specifies some of the Federal CIO's information resource management (IRM) functions, which include:

- reviewing agency budget requests related to IT capital planning and investment;
- evaluating those investments with respect to performance and results;
- reviewing legislative proposals related to IT capital planning and investment;
- advising the OMB Director on the resources required to effectively operate information systems;
- recommending to the Director changes in government-wide strategies and priorities for IRM;
- establishing IRM policies and requirements for executive branch agencies;
- promoting innovative uses of IT, especially initiatives involving multi-agency collaboration;
- administering the distribution of funds from an "E-Government Fund";
- consulting with the GSA Administrator on the use of the GSA's IT fund;
- chairing the CIO Council;
- establishing and promulgating IT standards and guidelines for interconnectivity and interoperability, categorizing and labeling government electronic information to enhance search capabilities, and computer system efficiency and security;
- establishing several forums for communicating with IRM leaders in the regulatory executive branch agencies, legislative and judicial branches, and in state, local, and tribal governments;
- establishing a cross-sector forum on IRM with representatives from federal agencies and the private, nonprofit, and academic sectors to encourage collaboration;

- developing and promoting an integrated, standardized, Internet-based system (a portal) for providing government information and services to the public by function and from a single point;
- coordinating with the Office of Federal Procurement Policy in implementing electronic procurement initiatives;
- assisting federal entities in implementing accessibility standards, and ensuring compliance with those standards;
- administering the Office of Information Policy.

This section also requires the Director of OMB to ensure that the Office of Information Policy has adequate employees and resources to fulfill its statutory functions, and it authorizes \$15 million for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006, for maintaining the Internet portal described in the section.

Section 3603 establishes a CIO Council, chaired by the federal CIO, and consisting of representation from CIO's of all major federal agencies. The Council will receive administrative and other support, including funding, from GSA. The Council is designated the principal interagency forum for improving agency practices related to all aspects of federal government information resources. Its responsibilities include:

- developing recommendations for the Federal CIO on information resources management (IRM) policies, and assisting the CIO in developing a government-wide strategic plan
- sharing experiences and best practices related to IRM
- providing recommendations to the Federal CIO regarding the use of E-Government Fund
- coordinating the development of common performance measures for agency IRM
- working with NIST to develop recommendations on IT standards
- working with the OPM to address the hiring, training and professional development needs of the government with respect to IRM

Section 3604 establishes an E-Government Fund within the Dept of the Treasury to fund interagency IT projects and other innovative uses of IT. It authorizes \$200,000,000 in fiscal years 2002 through 2004 for the Fund and such sums as are necessary for fiscal years 2005 through 2006. Proposed projects are reviewed by a committee of the CIO council according to specified criteria; after receiving the committee's recommendation, the Federal CIO determines which of the projects should be funded. Appropriators and authorizing committee are notified in advance of the intended uses of the funds, and the Federal CIO reports annually to the President and Congress on the operation of the fund.

TITLE II: FEDERAL MANAGEMENT AND PROMOTION OF E-GOVERNMENT SERVICES

Sec. 201: Federal Agency Responsibilities

Specifies that federal agencies are responsible for complying with the Act and policies and standards established by the Federal CIO, and for supporting the efforts of the Federal CIO to maintain the Government's online portal. It also specifies that agency CIO's will participate in the CIO Council and monitor the implementation within their agencies of common IT standards. Each agency will submit to the Federal CIO an annual E-Government Status Report on the current status of agency information and services available online.

Sec 202: Compatibility of Methods for Use and Acceptance of Electronic Signatures

Requires each executive agency to ensure that its methods for use and acceptance of electronic signatures are compatible with OMB procedures and standards. The GSA Administrator will support OMB by establishing the federal bridge certification authority to allow efficient interoperability among executive agencies when certifying digital signatures. GSA will be authorized \$7,000,000 for FY2002 appropriations, and such sums as may be necessary each fiscal year thereafter for development and operation of a federal bridge certification authority.

Sec. 203: Online Federal Telephone Directory

Requires GSA, in coordination with the CIO Council, to develop and issue an online federal telephone directory organized and retrievable by function and by agency. The telephone directory will be provided to local telephone book publishers to encourage publication of functionally arranged directories. Executive agencies are required to publish an online agency directory, accessible by electronic links to the federal telephone directory, including contact information for principal departments and employees.

Sec. 204: Online National Library

Requires the establishment of an online national library as a collaboration between several federal agencies, including the National Science Foundation, Smithsonian, and the Library of Congress, to provide public access to educational resource materials. The materials will be functionally integrated without regard to the boundaries of the contributing institutions. For the development, expansion and maintenance of the national library, NSF and the Library of Congress are each authorized \$5,000,000 for FY 2002, and such sums as may be necessary each fiscal year thereafter.

Sec. 205: Federal Courts

Requires each federal court to establish a website that would include public information such as location and contact information for courthouses, local rules, docket information for each case, and access to written opinions issued by the court, in a text searchable format. Documents filed electronically, and those converted to electronic form, shall also be made available. The Judicial Conference may promulgate rules to protect privacy concerns. The existing PACER electronic docketing system will no longer be required to charge fees to users. Court websites are required to be established no later than 2 years after the Act's effective date, with access to documents filed electronically no later than 4 years. Any court may elect not to comply with any requirement of this section, but Congress is notified of all such decisions and the reasons for the decisions.

Sec. 206: Regulatory Agencies

Requires that agencies post on their websites all information about the agencies' regulatory proceedings that is required to be published in the Federal Register. Agencies must accept submissions in regulatory proceedings by electronic means (including e-mail and fax). Agencies shall also establish electronic dockets for online rulemaking. Electronic dockets shall make available all agency notices, publications, or statements related to each rulemaking, and all submissions made pursuant to the rulemaking. Agencies can opt out of the section's electronic docket requirement. Websites are required to be established no later than 2 years after the Act's effective date, with submission by electronic means no later than 4 years.

Sec. 207: Integrated Reporting Feasibility Study and Pilot Projects

Requires the Federal CIO to conduct a study on the feasibility of integrating federal information systems across agencies by addressing the feasibility of (1) integrating data elements used in the electronic collection of information, (2) developing software for assembling, documenting, and validating the accuracy of electronically submitted data, (3) developing a distributed information system, involving at least 2 agencies, that provides public access to the information holdings of an agency, and (4) incorporating other data elements related to the purposes of this section. To collect information for the study, the Federal CIO will implement no more than 5 pilot projects that integrate data elements with the goals of reducing information collection burdens by eliminating duplicative data elements, and establishing interoperability between public databases. The resulting report, which shall be submitted to Congress within three years of the date of enactment, will include recommendations that Congress or the executive branch can implement to reduce the burden on reporting and strengthening public access.

Sec. 208: Online Access to Federally Funded Research and Development

Provides for the formation of an interagency task force to review current databases of federally funded research and development, then develop recommendations on standards for the collection and dissemination of essential information about such data that addresses both public availability and agency coordination and collaboration. No later than 1 year after enactment of this Act, the Federal CIO will promulgate standards and regulations based on the recommendations, and determine which agencies should maintain databases and a website providing online access to the information. The respective agencies will then develop any required databases and a centralized, searchable website. The website will be operational within 2 years after the date of enactment. \$1,000,000 is authorized for FY 2002, \$5,000,000 for FY 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

Sec. 209: Common Protocols for Geographic Information Systems (GIS)

Requires the Department of the Interior, in consultation with the National Institute of Standards and Technology, private sector experts, and other interested parties, to facilitate the development of common protocols for geographic information to maximize the electronic compatibility of geographic information from various sources and promote the development of interoperable GIS technologies for low-cost use and sharing of geographic data by government entities and the public. The Federal CIO will oversee the agency initiative and promulgate the resulting standards.

Sec. 210: Share-In-Savings Program Improvements

Encourages the use of the share-in-savings contracting approach (in which the contractor is paid from the savings realized) for IT projects, and allows the agency conducting a project to retain a portion of the savings realized, and use those funds to acquire additional information technology. If the share-in-savings pilot projects are successful, the GSA Administrator may provide general authority to executive agencies to use the contracting approach.

Sec. 211: Enhancing Crisis Management Through Advanced Information Technology

Provides for a 2-year study, conducted by the National Academy of Sciences, to develop a research and implementation strategy for effective use of IT in crisis response and consequence management of natural and manmade disasters. The study will identify opportunities for research and development on enhanced technologies for improving communications with citizens at risk, enhancing the use of remote sensor data for planning, advance warning, and response, building more trustworthy systems for communications in crises, and facilitating coordinated actions among

responders. \$800,000 for FY 2002 would be authorized for the research.

Sec. 212: Federal Information Technology Training Center

Requires the establishment of an IT training center to (1) analyze the personnel needs related to IT on an ongoing basis, (2) design curricula, training methods and training schedules, and (3) recruit and train federal employees in IT disciplines at a rate that ensures that government's needs are met. The curricula will cover a broad range of IT disciplines, will be adaptable to varying levels of expertise, and will include the use of self-paced courses, online courses, on-the-job training, and remote instructors. \$7,000,000 is authorized for the Office of Personnel Management for FY 2002, and such sums as may be necessary each fiscal year thereafter for developing and operating the training center.

Sec. 213: Community Technology Centers

Provides for a study by the Department of Education to evaluate the best practices being used by Community Technology Centers (CTC's) that receive federal funds; the resulting report will include an evaluation of CTC's best practices, a strategy for establishing a network to share information and resources as CTC's evolve, an analysis of whether CTC's have been deployed effectively throughout the country, a database of all CTC's receiving federal funds, and recommendations for enhancing the development of CTC's. The Federal CIO will work with relevant agencies and the private and non-profit sectors to provide assistance to CTC's, public libraries, and other institutions that provide computer and Internet access to the public. OPM will provide IT training curricula, and the Department of Education will develop an online tutorial. The Department of Education will be authorized \$2,000,000 for FY2002, \$2,000,000 for FY2003, and such sums as are necessary in fiscal years 2004 through 2006.

Sec. 214: Disparities in Access to the Internet

Provides for a non-profit, non-partisan organization selected by the Federal CIO to conduct a study of how disparities in Internet access influence the effectiveness of online government services. The study will include recommendations on how to ensure that online government initiatives will not have the unintended result of increasing any deficiency in public access to government services. The section also provides that when promulgating policies and implementing programs that provide services over the Internet, the Federal CIO and agency heads shall ensure that the availability of government services has not been diminished for individuals who lack access to the Internet. The Federal CIO and agency heads are also directed to pursue technologies that make government services and information more accessible to individuals who do not have access to the Internet. \$950,000 is authorized in FY2002 to carry out this section.

Sec. 215: Accessibility, Usability and Preservation of Government Information

The section establishes an Advisory Board on Government Information comprised of members from federal agencies, and from the public, private and nonprofit sectors. Based on information provided by each agency, the Board will recommend standards for (1) establishing permanent public access to government information disseminated on the Internet, (2) developing inventories of government information, and (3) cataloguing and indexing government information. Based on these recommendations, and after public notice and opportunity for comment, the federal CIO will promulgate standards and issue regulations, which agencies will then implement. Specifically, this section requires that the following steps be taken:

- *Permanent Public Access:* The Board will make recommendations on standards for permanent public access to government information disseminated on the Internet, including a definition of the types of information to which the standards apply, and the process for implementing permanent public access (due 30 months after enactment). The Federal CIO will issue regulations requiring standards for permanent public access, and agencies will implement the standards. Agencies are also required to report annually on their efforts in this area.
- *Inventories of Government Information:* The Board will identify all classes of government information, and recommend which classes of information should be inventoried and how the inventories should be conducted. The Federal CIO will then issue regulations describing the scope and timetables for the inventories. Completed agency inventories will be posted online and linked to the federal government portal. Agencies are also required to inventory their websites, and electronically post the inventories, within 180 days of the Act's effective date.
- *Cataloguing and Indexing of Government Information:* The Board will review cataloguing and indexing standards currently used by federal agencies, and determine whether they are in the public domain and interoperable (due 18 months after the Act's effective date). The Federal CIO will issue regulations requiring interoperable standards that are in the public domain. The Board will also review completed agency inventories and existing statutory and regulatory requirements, and recommend which government information should be catalogued and indexed, and the priorities for completing that work. The Federal CIO will then issue regulations specifying which government information shall be catalogued and indexed, and setting timetables. Indexes and catalogues completed by agencies will be posted on a centralized searchable database, which will be linked to the Federal Government portal.

Agencies will also determine, after public comment, which information to make available on the Internet, and shall develop priorities and schedules for doing so (due 1 year after the completion of agency inventories).

Sec. 216: Public Domain Directory of Federal Government Websites

Requires the development, through interagency collaboration, of a public domain directory of federal government websites on the Internet. The directory will be based on a taxonomy of subjects used to categorize Federal Government websites, and will be linked to the Federal Government portal.

Sec. 217: Standards for Agency Websites

Requires the federal CIO to promulgate standards and criteria for agency websites no later than 1 year after the Act's effective date. These standards include requiring links to (1) privacy statements, (2) descriptions of an agency's mission and statutory authority, (3) electronic reading rooms, (4) agency regulations, rules and rulemaking materials, (5) information about the organizational structure of the agency, and (6) an agency's strategic plans. The standards will also include minimum requirements to aid in navigating websites, such as speed of retrieval of search results, the relevance of the results, and tools to aggregate and disaggregate data.

Sec. 218: Privacy Provisions

Specifies that an agency will conduct a privacy impact assessment before developing or procuring

an information system, or initiating a new collection of personally identifiable information that will be processed electronically. The assessment will be submitted to the federal CIO and include a description of:

- the information to be collected,
- the purpose for the collection and reason each item is necessary,
- any notice that will be provided to persons from whom the information is collected, and any choice that an individual who is the subject of the collected information has to decline to provide the information,
- the intended uses of the information and proposed limits on other uses,
- the intended users or recipients of the information and any limitations on reuse or redisclosure,
- the retention period,
- whether and by what means the individual who is the subject of collected information has access to that information, and
- security measures to protect the information.

The section also requires the Federal CIO to establish guidelines mandating the posting of privacy notices on agency websites, and lists information that must be included in privacy policies. The Federal CIO will also promulgate guidelines requiring agencies to translate privacy policies into a standardized machine readable format.

Sec. 219: Accessibility to People with Disabilities

Specifies that all actions taken by the federal government under this Act will comply with section 508 of the Rehabilitation Act of 1973.

Sec. 220: Notification of Obsolete or Counterproductive Provisions

Specifies that if the Federal CIO determines that any provisions of this Act is obsolete or counterproductive, as a result of changes in technology or any other reason, the Federal CIO will notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

TITLE III: AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

Sec 301: Authorization of Appropriations

Except for those purposes for which the Act specifically provides an authorization, authorizes to be appropriated such sums as may be necessary to carry out the Act for fiscal years 2002 through 2006.

Sec 302: Effective Date

Specifies that the Act shall take effect 120 days after the date of enactment.